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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,866	06/14/2000	Masaki Katayama	P/2171-184	8166

7590

07/11/2005

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EXAMINER

LAO, LUN S

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,866

Applicant(s)

KATAYAMA ET AL.

Examiner

Lun-See Lao

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03-18-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Introduction

1 This action is response to the amendment filed on 04-14-2005. Claims 1-31 have been cancelled; claims 32-40 have been added. Claims 32-40 are pending.

The request filed on 04-14-2005 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/593,866 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 32, 35 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The driven " one of types of the parameter indicates an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof; and the controller displays an image picture showing a sound source on the display means, and changes a size of the image picture depending upon the value of the parameter set through the setting means when the type of the parameter indicating an interval of time between a first peak of sound pressure

Art Unit: 2644

observed at a sound receiving point and a second peak thereof is selected through the setting means" was not clearly supported in the further detail in the specification nor in any claim originary presented, the portion pointed out by applicant is not enough support for this newly added limitation (see specification page 8 lines 10-17 which indicated applicant's remark). That portion only indicates the " initial delay" parameter which changes the image of sound producer showing in figs 4a-4a". The examiner requests more detailed description or drawing to explain how those newly added limitations work without adding any new matter, examples of such newly added limitations are "one of types of the parameter indicates an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof"; and the controller displays an image picture showing a sound source on the display means, and changes a size of the image picture depending upon "the value of the parameter set through the setting means when the type of the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof is selected through the setting means"".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2644

5. Claims 32, 34-35, 37-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (US PAT.5,812,688) in view of Toshiki (JP 08-336200).

Consider claim 32, Gibson teaches an audio system comprising setting means, display means, transfer means, a controller, and acoustic effect adding means (see figs 6, 7a-7d, 8a-8c and 15), wherein:

a type is selected among types of a parameter specifying acoustic effect through the setting means and a value of the parameter is set through the setting means (fig.6);

the type of the parameter selected and the value of the parameter set through the setting means are transferred to the acoustic effect adding means through the transfer means (see col.5 lines 7-56);

the acoustic effect adding means (mix) adds acoustic effect to an inputted signal depending upon the type and the value of the parameter transferred through the transfer means (see col.6 line 1-41); and

the controller displays an image picture showing a sound source on the display means (see fig.6), and changes a size of the image picture depending upon the value of the parameter set through the setting means (see figs 6, 7a-7d, 8a-8c and 15 and see col.5 line 8-col.6 line 51), but Gibson does not teach one of types of the parameter indicates an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof; and the type of the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof is selected through the setting means.

However, Toshiki teaches one of types of the parameter indicates an interval of time (time difference) between a first peak of sound pressure observed at a sound receiving point and a second peak thereof (abstract and constitution); and the type of the parameter indicating an interval of time between a first peak of sound pressure observed at a sound receiving point and a second peak thereof is selected through the setting means (detailed description page 3 [0011-0016] and figs 1 and 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Mikio into Toshiki to provide an consecutive sound with a consecutiveness sound detection to compute the level difference a precedence sound and consecutiveness sound with a level difference calculation and the time difference between a precedence sound and a consecutiveness sound is computed with a time difference calculation.

Consider claim 35, there is the method claim corresponding to system claim 32. See previous system claim 32 rejection.

Consider claim 38, there is the program claim corresponding to system claim 32. See previous system claim 32 rejection.

Consider claim 34, Gibson teaches one of types of the parameter is a type for adjusting an overall level of acoustic or sound effect; and the controller changes a shade of the image picture displayed on the display means (see figs 6-15 and see col.5 lines 7-56) depending upon the value of the parameter set through the setting means when the type of the parameter for adjusting an overall level of acoustic or sound effect is selected through the setting means (see figs 6-15 and see col.5 line 56).

Art Unit: 2644

Consider claim 37, there is the method claim corresponding to system claim 34.

See previous system claim 34 rejection.

Consider claim 40, there is the program claim corresponding to system claim 34.

See previous system claim 34 rejection.

6. Claims 33, 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (US PAT.5,812,688) as modified by Toshiki (JP 08-336200) as applied to claims 32, 35 and 38 above, and further in view of Fujishita (US PAT. 5,666,136).

Consider claim 33, Gibson and Marx do not teaches one of types of the parameter determines an acoustic characteristic obtained by a size of a listening room; and the controller displays an image picture showing the listening room on the display means, and changes a size of the image picture showing the listening room depending upon the value of the parameter set through the setting means when the type of the parameter determining an acoustic characteristic obtained by the size of the listening room is selected through the setting means.

However, Fujishita teaches one of types of the parameter determines an acoustic characteristic obtained by a size of a listening room; and the controller displays an image picture showing the listening room on the display means (see figs 14a-14b and col. 10 lines 24-50), and changes a size of the image picture showing the listening room depending upon the value of the parameter set through the setting means when the type of the parameter determining an acoustic characteristic obtained by the size of the

Art Unit: 2644

listening room is selected through the setting means (see figs 10a-10b 11a-14b and col.9 line 66-col. 10 line 39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Fujishita into the teaching Gibson and Toshiki to provide method of displaying operation of an audio equipment, comprising the steps of detecting an operated state of a control panel of the audio equipment, and varying an image of an operated portion of an image simulating the control panel.

Consider claim 36, there is the method claim corresponding to system claim 32. See previous system claim 33 rejection.

Consider claim 39, there is the program claim corresponding to system claim 32. See previous system claim 33 rejection.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5-10, 12-16 and 18-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marx (US PAT. 5,734,731) is cited to show other related the audio system conducting digital signal processing, a control method thereof, and a recording media on which the control method is recorded.

Art Unit: 2644

9. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(703) 872-9306

Hand-delivered responses should be brought to:

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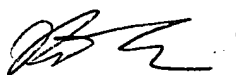
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See
Patent Examiner
US Patent and Trademark Office
Knox
571-272-7501

Date: 06/20/2005



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600